

ENTERED

October 28, 2022

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LANDRY’S, INC., as successor in interest
to LANDRY’S MANAGEMENT, L.P.,

Plaintiff,

v.

THE INSURANCE COMPANY OF
THE STATE OF PENNSYLVANIA,

Defendant.

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CIVIL ACTION NO.
4:18-CV-02679

ORDER

Came for consideration this day the Parties’ Agreed Joint Motion to Dismiss (the “Motion”). Upon review of the Motion, the Court is of the opinion that it should be **GRANTED**.

It is, therefore, **ORDERED** that all claims alleged in this lawsuit by Plaintiff Landry’s Inc., as successor in interest to Landry’s Management, L.P. (“Landry’s”) related to the reimbursement of defense costs incurred prior to June 30, 2022 in the underlying Paymentech Lawsuit,¹ including Landry’s claims for breach of contract, declaratory relief, extra-contractual claims, statutory claims (including claims brought under the Texas Insurance Code and the Texas Civil Practice and Remedies Code), and claims for attorneys’ fees, costs and interested related to same, are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that all claims alleged in this lawsuit by Landry’s related to the reimbursement of defense costs incurred after June 30, 2022 in the underlying Paymentech Lawsuit, including claims for breach of contract, declaratory relief, extra-contractual claims,

¹ This refers to the lawsuit styled *Paymentech, LLC and JPMorgan Chase Bank, N.A. v. Landry’s, Inc. as Successor-In-Interest to Landry’s Management, LP*, Case No. 4:18-cv-01622 in the United States District Court for the Southern District of Texas, Houston Division (the “Paymentech Lawsuit”).

statutory claims (including claims brought under the Texas Insurance Code and the Texas Civil Practice and Remedies Code), and claims for attorneys' fees and interested related to same, are **DISMISSED WITHOUT PREJUDICE**

The parties shall each bear its own costs.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 27th day of October, 2022.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", is written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

Agreed as to form and substance:

/s/ Micah E. Skidmore

Micah E. Skidmore
Attorney-in-Charge
State Bar No. 24046856
Southern District Bar No. 294941
micah.skidmore@haynesboone.com
Natalie DuBose
State Bar No. 24077481
Southern District Bar No. 3048865
natalie.dubose@haynesboone.com

HAYNES AND BOONE, L.L.P.
2323 Victory Ave., Suite 700
Dallas, Texas 75219
Telephone: (214) 651-5000
Telecopier: (214) 651-5940

**ATTORNEYS FOR PLAINTIFF
LANDRY'S INC.**

DRAFT

Mariah B. Quiroz
State Bar No. 24031714
Southern District Bar No. 598901
NICOLAIDES FINK THORPE
MICHAELIDES SULLIVAN LLP
2501 North Harwood Street, Suite 1210
Dallas, TX 75201
Telephone: (469) 290-9044
Telecopier: (469) 290-9041

**ATTORNEYS FOR DEFENDANT THE
INSURANCE COMPANY OF THE STATE
OF PENNSYLVANIA**